

Kentucky Department for Natural Resources

Surface Mining and Reclamation

Citizen's Guide



**Department for Natural Resources
Office Locations and Contact Information**

**Division of Mine
Permits**

2 Hudson Hollow
Frankfort, KY 40601-4321
Tel. 502-564-2320 FAX 502-564-6764

Frankfort Central Office

2 Hudson Hollow
Frankfort, KY 40601-4321
Tel. 502-564-6940 Fax 502-564-5698

DNR's Central Office is located on Hudson Hollow Road, about 500 ft. east of U.S. Hwy 127 on Frankfort's west side.

From Interstate 64 Exit 53B, go north 1.5 miles on US 127. Turn right (east) just before Captain D's Seafood. The DNR is on the right, behind Captain D's.

Visitors may park in specially marked spaces at the front center of the building or may park in the auxiliary lot across Hudson Hollow Road.

Visitors should enter at the front center of the building and see the receptionist.

Questions & Complaints

If you have a complaint about an ongoing mining operation, please contact the regional office for the county in which the operation is located.

If you wish to comment or object to a permitting action, please contact the Division of Mine Permits in Frankfort.

If you wish to ask a question, you may contact any office of the Department, and we will see that you reach the appropriate office or individual.

**Division of
Mine Reclamation &
Enforcement**

2 Hudson Hollow
Frankfort, KY 40601-4321
Tel. 502-564-2340 FAX 502-564-5848

Madisonville Regional Office

625 Hospital Drive
Madisonville, KY 42431-1683
Tel. 270-824-7536 FAX 270-824-7578

Counties - Butler, Caldwell, Christian, Crittenden, Daviess, Edmonson, Grayson, Hancock, Henderson, Hopkins, Logan, McLean, Muhlenberg, Ohio, Union, Warren, Webster

London Regional Office

Regional State Office Bldg.
85 State Police Road
London, KY 40741-9011
Tel. 606-878-0098 FAX 606-878-2104

Counties - Breathitt, Clay, Estill, Jackson, Laurel, Lee, Leslie, Madison, Owsley, Perry, Pulaski, Rockcastle

Prestonsburg Regional Office

3140 South Lake Drive, Suite 6
Prestonsburg, KY 41653-1410
Tel. 606-886-8536 FAX 606-886-3167

Counties - Boyd, Carter, Elliott, Floyd, Greenup, Johnson, Knott, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Morgan, Powell, Rowan, Wolfe

Middlesboro Regional Office

1804 East Cumberland Avenue
Middlesboro, KY 40965-1229
Tel. 606-248-6166 FAX 606-248-3837

Counties - Bell, Clinton, Harlan, Knox, McCreary, Wayne, Whitley

Pikeville Regional Office

121 Mays Branch Road
Pikeville, KY 41501-9331
Tel. 606-433-7726 Fax 606-433-7515

Counties — Letcher, Pike

**Division of
Abandoned Mine Lands**

2521 Lawrenceburg Road
Frankfort, KY 40601-8920
Tel. 502-564-2141 FAX 502-564-6544

AML Madisonville Office

State Office Building, First Floor
625 Hospital Drive
Madisonville, KY 42431-1683
Tel. 270-824-7534 FAX 270-824-7061

Counties - Breckinridge, Butler, Caldwell, Christian, Crittenden, Daviess, Grayson, Hancock, Hart, Henderson, Hopkins, Logan, McLean, Muhlenberg, Ohio, Todd, Union, Webster

AML London Office

State Office Building, Third Floor
85 State Police Road
London, KY 40741-9011
Tel. 606-878-0071 FAX 606-878-8717

Counties - Bell, Breathitt, Clay, Clinton, Estill, Harlan, Jackson, Knox, Laurel, Lee, Leslie, Letcher, McCreary, Owsley, Perry, Pulaski, Rockcastle, Wayne, Whitley, Wolfe

AML Prestonsburg Office

3140 South Lake Drive, Suite 5
Prestonsburg, KY 41653-1410
Tel. 606-886-1786 FAX 606-886-2554

Counties - Boyd, Carter, Elliott, Floyd, Greenup, Johnson, Knott, Lawrence, Magoffin, Martin, Menifee, Morgan, Pike

Your Department for Natural Resources seeks to be prompt, courteous, thorough, effective and fair in serving you.

We invite your comments on our service. Please send comments to:

Commissioner
Department for Natural Resources
2 Hudson Hollow
Frankfort, KY 40601-4321

Purpose

This handbook is to assist each citizen that is directly or indirectly impacted by the work of the three divisions of the Department for Natural Resources charged with administering the federal Surface Mining Control and Reclamation Act of 1977 (SMCRA). This handbook serves as a guide for citizens to find answers to their concerns in the most direct and efficient manner. The Citizen's Survey Form, provided at the end of this guide, when completed and returned, will help the Department improve its program operations.

The Divisions of Mine Permits, Mine Reclamation and Enforcement and Abandoned Mine Lands appreciate the cooperation that most coal companies and citizens' groups provide as we perform our duties. Protecting our environment for today with plans for an even brighter future should be a team goal challenging agencies, companies, citizens and citizens' groups alike.



History

Kentucky has regulated coal-mining activity within the state since the early 1950's. Earlier records indicate that on April 13, 1750, Dr. Thomas Walker was the first recorded person to discover and use coal in Kentucky. In 1829, the first commercial mine was opened in the Western Kentucky county of Muhlenberg.

Since this simple beginning, Kentucky has become one of the largest coal producers in this country with an annual production of approximately 125 million tons. Our state has been one of the top three coal producers in the nation for the past 50 years. More than 90 percent of the electricity produced in our state comes from coal fired generators, thus most Kentuckians are very dependent upon this resource. Due to the coal deposits, Kentucky citizens have one of the lowest electricity rates in the nation. The Kentucky coal industry contributes approximately \$33 million a year to the Abandoned Mine Land (AML) Fund. The AML fund is used to reclaim old degraded mine sites, which are impacting our citizens and the environment.

State mining laws require that all lands affected by mining be returned to a condition that is equal to or better than that which existed prior to the mining activity. This department requires that all companies, and individuals with mining permits conform to these regulations which are necessary to protect our citizens and environment. Implementation of these laws is evident as some within the coal mining profession in Kentucky have been recognized many times with national awards for outstanding reclamation work.



The Kentucky Department for Natural Resources

The Division of Mine Permits, Division of Mine Reclamation and Enforcement and the Division of Abandoned Mine Lands of the Department for Natural Resources are responsible for administering the federal Surface Mining Control and Reclamation Act of 1977 (SMCRA). The main regulatory functions of the divisions involve mine permitting and enforcement. These activities are performed by a central office staff in Frankfort and five regional offices located throughout the state. The Abandoned Mine Lands Program reclaims areas disturbed by coal mining prior to 1977 for which there is no continuing

reclamation responsibility under the Surface Mining Control and Reclamation Act. Abandoned areas are reclaimed using federal and/or state funds dedicated for reclamation purposes.

Mine Permits

The Division of Mine Permits is responsible for reviewing mining applications to ensure that all established standards of operation are addressed and that the environment and the public is protected. When these established standards are met, then the mining application is approved, and a mining permit is issued.

Mine Reclamation and Enforcement

The Division of Mine Reclamation and Enforcement is responsible for ensuring that the mining practices approved by the Division of Mine Permits are being carried out by the mine operator. The central office coordinates the activities of its regional offices through policy, procedural guidelines, and providing technical assistance. The Division also responds to concerns from citizens and emergency situations, i.e. landslides, loss or discoloration of water, etc., in an efficient and timely manner.

The regional offices, located in Madisonville, London, Middlesboro, Pikeville, and Prestonsburg, are staffed largely by inspectors with backgrounds and experience in various fields associated with mining and reclamation. These inspectors, with degrees such as engineering, biology, and geology, must examine each mining operation, evaluate the soil and water samples, check the area's degree of slope, and determine if backfills, sediment structures, access roads, and revegetation are in compliance with state regulations. Mining laws require that at least one inspection of an active site be conducted each month. These mine inspections occur without prior notice to the mine operator.

Abandoned Mine Lands

The Division of Abandoned Mine Lands is responsible for ensuring that all lands and waters impacted by coal mining activities which occurred before SMCRA are properly reclaimed. These lands and waters, when abandoned, pose potential hazards to the health, safety, and welfare of Kentucky's citizens and wildlife. This division is charged with eliminating these environmental hazards and restoring the natural beauty of the area. The regional offices are located in Prestonsburg, London, and Madisonville.

The following is a list of potential mining-related problems that might occur. Citizens who need additional information on these problems will find the appropriate contact listed.

Landslides - Can be caused by either natural events or through human activity. If you know that recent mining activities have occurred in the vicinity of a landslide, contact the appropriate Division of Mine Reclamation & Enforcement regional office. If the mining was conducted prior to August 1977, contact the appropriate Division of Abandoned Mine Lands regional office.



Stream Contamination - Can be attributed to heavy amounts of sediment carried by surface runoff (muddy water) or a strong chemical impact caused by acid mine drainage. Typical discoloration in the streams could range from orange to black. If coal-mining activities are located in close proximity to the impacted streams, contact the appropriate Division of Mine Reclamation & Enforcement regional office.

Subsidence - When underground mine tunnels collapse, cracks or depressions can form on the land surface. These cracks or depressions could possibly damage homes or property. If you have a subsidence concern, contact the appropriate Division of Mine Reclamation & Enforcement regional office.



Well Water / Groundwater Contamination or Loss - Both surface mining and underground mining can impact the groundwater. If the mining that created the groundwater problem occurred prior to 1978, funds for water replacement may be available, and the Division of Abandoned Mine Lands should be contacted. If you feel

your water supply was impacted by mining activities conducted after 1978, contact the appropriate Division of Mine Reclamation & Enforcement regional office

Blasting - Blasting damage can occur from either fly rock, excessive ground vibrations and/or strong blasts of air. If you feel coal-mining activities have affected your property through blasting, contact the appropriate Division of Mine Reclamation & Enforcement regional office.

Property Disputes - The Department does not have the authority to intervene in property disputes. However, before a coal company can receive a permit to mine coal, the company must submit proof of right-of-entry for each particular piece of property. The Division of Mine Permits will review and assess the validity of the submitted right-of-entry documentation.

Some additional concerns such as excessive dust, mud on the roads, and proximity of mining to citizens' property are types of issues that can be addressed at the regional offices. **A primary rule of thumb for citizens seeking help is the date of the mining activity.** If the mining occurred prior to August 1977, the appropriate contact is the Division of Abandoned Mine Lands. If the mining occurred after that date, the appropriate contact is the Division of Mine Reclamation & Enforcement.

Public Participation

We encourage citizens to share their knowledge and concerns about local situations, and through their participation, assist in improving our services. Citizens have four (4) areas in which they can participate. These include:

1. Companies who want to mine in Kentucky cannot receive a permit to mine until notice of the proposed operation has been advertised in the most widely circulated local paper where the mining is to occur. If you have questions regarding the proposed mining operation, contact the director for the Division of Mine Permits. All questions that arise from citizens during a permit application review will be considered prior to the approval of a permit to mine.
2. The Department encourages citizens to review all available files and permit records. These files are available for public review in the appropriate regional office or the central office in Frankfort.
3. Citizens may, at any time, request to accompany Department personnel on a mine inspection. The requests are approved by the Department with the citizen's safety and security in mind. Each request must be submitted to the appropriate Division of Mine Reclamation & Enforcement regional office.
4. Citizens or agencies that are or may be adversely affected by any Bond Release Activity may submit a written opinion (objection) and may legally file a request for a public hearing. Requests must be submitted to the Director of the Division of Mine Reclamation & Enforcement.

Citizens' Most Commonly Asked Questions

1. How close to my home may a coal operator blast?

No mining or blasting may be conducted within 300 feet of an occupied dwelling unless a waiver is obtained from the property owner and approved by the Department. Blasting vibration limits cannot be waived unless the dwelling is owned by the company and are waived by the occupant.

2. How will I know if a coal operator is going to use blasting in its mining operation?

Blasting operations will be detailed in the approved permit application. Copies of the permit are available for public viewing at the appropriate Division of Mine Reclamation & Enforcement regional office and the central office in Frankfort, KY.

3. Can I request that someone inspect my home before a mine operator begins blasting?

Yes, if you live within one half mile of the permit area. The purpose of this free inspection is to determine the condition of the dwelling and all structures on the property prior to blasting, and how these structures may be affected.

4. If I believe that a coal operator is going to mine through or underneath a road, who should I contact?

The law in most cases prohibits this activity, however for details you should contact the director of the Division of Mine Permits. If a permit has already been issued, you should contact the appropriate Division of Mine Reclamation & Enforcement regional office.

5. If a coal operator mines on my property, do I have to approve the reclamation of my land before the operator's bond is released?

No, bond release is not dependent upon the approval of the individual landowner. However, landowner comments are taken into account prior to bond release.

6. Can the Department force a coal operator to comply with a lease agreement?

No, the Department has no jurisdiction over terms of a coal mine lease that are not specifically addressed by Kentucky mining law or regulations.

7. If a landslide damaged a building that I own, will Abandoned Mine Lands (AML) fix my building as a part of the reclamation project?

No, federal law provides for the reclamation of the mining problem (landslide, subsidence, etc.) that was created by mining activities, but specifically prohibits agency

funds from being used to repair damages to buildings and other expenses incurred by property owners.

8. Is my tax money being used to do this reclamation work?

No, the funds used by the AML program come from a fee paid by current coal operators. This fee, which is paid on both surface and underground mined coal, is collected by the federal government and then distributed back to the coal-producing states.

9. If an AML project is performed on my property, are there any restrictions on how I can use it afterwards?

No, the AML program does not impose any restrictions on how a reclaimed property is subsequently used.

Non-Coal

10. Do I need a non-coal surface disturbance permit to mine?

Yes, mineral operations including mining of limestone and dolomite; mining of sand and gravel, surface disturbance of dredging of river or creek sand and gravel; mining of clay; mining of fluorspar and other vein minerals must have a non-coal permit. Mineral operations include the surface disturbance of underground mining as well as strip mining.

Non-Coal

11. What should I do if I believe my home is being damaged by blasting at a limestone quarry?

You should contact the Division of Mine Reclamation & Enforcement Non-Coal Branch in Frankfort, KY. However, if the damage is a result of air blasts or excessive ground vibration the Office of Mine Safety and Licensing may be the responsible agency. In either case, once you file a written complaint with our agency, we will investigate the problem or make a referral to the appropriate agency for you.

12. How do I file a complaint against a mine operation?

The following is a quick summary of the complaint process without listing each step. You should contact the appropriate regional office to register a complaint. The complaint will be assigned to a field inspector who will contact you for additional information. The inspector will complete the investigation and share the finding in a written report to you. If you are not satisfied with the inspector's report an appeal to the director of the Division of Mine Reclamation & Enforcement is the next step.

Citizen's Survey

Please help us improve our services by filling out and mailing this survey.

1. Please place a check mark beside the item that best describes your relationship with us.

<input type="checkbox"/> State Authority <input type="checkbox"/> Industry Consultant <input type="checkbox"/> Coal Operator/Permittee <input type="checkbox"/> Other (please specify) _____	<input type="checkbox"/> Interested Citizen <input type="checkbox"/> Environmentalist <input type="checkbox"/> Federal Agency
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2. What was the nature of your contact with us? (*Check all that apply*)

<input type="checkbox"/> Public Notice <input type="checkbox"/> Bond Release <input type="checkbox"/> Blasting <input type="checkbox"/> File Room Use <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Permit Findings <input type="checkbox"/> Request for Information <input type="checkbox"/> Other (please specify) _____	<input type="checkbox"/> Written Comments <input type="checkbox"/> Informal Conference <input type="checkbox"/> Permitting Process <input type="checkbox"/> Telephone Contact <input type="checkbox"/> Letter Contact <input type="checkbox"/> Request for Inspection <input type="checkbox"/> Filed a Complaint
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3. How quick was our response to your request?

<input type="checkbox"/> Immediate <input type="checkbox"/> Number of days before an answer was received (specify) _____	<input type="checkbox"/> Still unresolved
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4. If you received materials in the mail, did you

<input type="checkbox"/> Receive what you wanted?	<input type="checkbox"/> Receive additional helpful information?	<input type="checkbox"/> Have to call or write back to get what you wanted?
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5. Were we friendly and helpful? *Circle the appropriate number to correspond to the following scale.*

1 (poor) 2 (fair) 3 (neutral) 4 (good) 5 (excellent)

I was greeted in a friendly manner.	1 2 3 4 5
I felt there was genuine interest in my concern/complaint/request.	1 2 3 4 5
Someone promptly came to help me.	1 2 3 4 5
My phone call was transferred to the person who could help me.	1 2 3 4 5

☐ I would like a reply to my comments ☐ A reply is not necessary

[illegible]

Thank you for your assistance. The information from this survey is very much appreciated and will be used to evaluate and improve our services to the citizens of Kentucky.

We hope this guide has served to help you understand the functions of the Kentucky Department for Natural Resources. Remember, for future service, we are as close as the phone.

The following contacts are provided to assist citizens with other environmental protection concerns:

To report arson call 1-800-27-ARSON (or 1-800-272-7766).

To report hazardous materials call 1-800-928-2380.

To report illegal dumping call 1-888-NO DUMPS (or 1-888-663-8677).

To report raw sewage being piped straight into a creek call 1-502-564-3410.

To report poor air quality call 1-502-573-3382.

The Environmental and Public Protection Cabinet does not discriminate on the basis of race, color, national origin, sex, age, religion, or disability and provides, on request, reasonable accommodations including auxiliary aids and services necessary to afford an individual with a disability an equal opportunity to participate in all services, programs, and activities.